

**ORDINANCE NO. 2006-23-CM**  
**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF**  
**TIPPECANOE COUNTY, INDIANA, NO. 97-51-CM**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED ZONING ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:**

**Section 1:** Change **UZO Section 3-2 Permitted Use Table** Special Conditions column to include Section 4-9-7 Buffering and Setbacks for Open Uses where applicable.

**Section 2:** Change **UZO Section 4-9-2 Bufferyard Requirements** to read as follows:

*Bufferyards* shall only be required for:

- (1) new *development* of land; or
- (2) redevelopment of land which includes the rezoning of property for a change of use except where the continued use of existing *buildings* and/or *parking areas* would occupy the space otherwise reserved for the *bufferyard*.

**Section 3:** Change **UZO Section 4-4-5 Setbacks for Structural Projections and Stoops** to read as follows:

The following *structural projections* may extend up to 2' into a minimum *front, rear* or 6' *side setback* and no more than 1' into a minimum 5' *side setback* where permitted: eaves, overhangs, bay windows, greenhouse windows, window wells, window-mounted or wall-mounted air conditioners and fascia brick and exterior siding. (Amend 44)

**Section 4:** Change **UZO Section 1-10-2 Words and Terms Defined** to read as follows:

**PRIMARY COMMUNICATIONS TOWER.** A *structure* situated in a nonresidential *zone* that is intended for transmitting or receiving internet, television, radio, or telephone communications, including those used exclusively for dispatch communications if the tower is the *primary use*.

**Section 5:** Change **UZO Section 2-28-14 (b) Rural Estate Additional Requirements** to read as follows and create a new Appendix G, USDA Farm Service Agency certification (see attached):

Petitioner shall demonstrate that more than 50% of the acreage in the *rural estate subdivision* request is either:

- (1) wooded and untilled,
- (2) *non-tillable*, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001, based on a certification from the USDA Farm Service Agency (See Appendix G),

or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%, part of which may be zoned FP. Petitioner shall supply evidence of this percentage.

**Section 6:** Change **UZO Section 6-2-4(b) Additional Provisions** to read as follows:

A *certificate of compliance* shall not be issued once an *improvement location permit* expires, unless that permit has been specifically extended by the *Administrative Officer*.

**Section 7:** Change **UZO Section 5-1-4 (b) Nonconforming Mobile Home Parks/Manufactured Home Communities** to read as follows:

When a nonconforming *mobile home park / manufactured home community* is damaged by any means to the extent that repairs would cost more than 50% of the replacement cost of that *use*, the *nonconforming use* shall no longer be permitted. Repairs to any individual mobile home/manufactured home located within a *mobile home park/manufactured home community* and owned by a person or entity other than the person or entity owning and/or operating the nonconforming *mobile home park/manufactured home community* shall not be considered in calculating the replacement costs of the nonconforming *mobile home park/manufactured home community*.

**Section 8:** Change **UZO Section 1-10-2 Words and Terms Defined** to read as follows:

**RESIDENTIAL ZONE.** An R1, R1A, R1B, R1U, R1Z, R2, R2U, R3, R3U, R3W or R4W zone, or a residential component of a Planned Development zone.

This ordinance shall be in full force and effect from and after its passage.

**Adopted And Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 2<sup>nd</sup> day of October, 2006.**

VOTE:

Yes

\_\_\_\_\_  
John L. Knochel, President

Yes

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Ruth E. Shedd, Vice President

Yes

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KD Benson, Member

ATTEST:

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Robert A. Plantenga, Auditor